

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re:

Chapter 11

MEZZ57TH LLC, et al.

Case No.: 20-11316

Debtors and
Debtors in Possession

(Jointly Administered)

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**ORDER FIXING TIME FOR VOTING TO ACCEPT OR REJECT PLAN,
COMBINED WITH NOTICE THEREOF**

WHEREAS, Mezz57th LLC and John Barrett Inc (the "Debtors") have filed an Amended Plan of Reorganization for Small Business Under Subchapter V of Chapter 11 on May 13, 2022 [Docket 204] the ("Plan");

WHEREAS, the Plan, and any Exhibits thereto, are available from the Bankruptcy Court Website at www.nysb.uscourts.gov or from the Debtors' counsel identified below and shall be served on interested parties as set forth below;

Now therefore, and good cause appearing, it is,

ORDERED, and notice is hereby given, that:

- A. The Court will conduct a hearing to consider confirmation of the Plan on June 29, 2022 at 2:30 PM (prevailing Eastern Time) in the United States Bankruptcy Court for the Southern District of New York (the "Confirmation Hearing") said hearing to be conducted telephonically through CourtSolutions (See General Order M-543). Attendees must register with CourtSolutions at <https://www.court-solutions.com/>. Further instructions can be found at the Court's website at <http://www.nysb.uscourts.gov/general-orders-and-guidance-created-covid-19>.
- B. June 22, 2022 is fixed as the last day for filing and serving written objections to confirmation of the plan pursuant to Fed. R. Bankr. P. 3020(b)(1).
- C. June 22, 2022 is fixed as the last day for voting for or against the Plan. Completed ballots must be received by counsel to the Debtors using the following address or email address at:

Mandelbaum Barrett PC
Attn: Vincent J. Roldan, Esq.
3 Becker Farm Road
Roseland NJ 07079
vroldan@mblawfirm.com

- D. Within three (3) business days after the entry of this order, the Plan and a ballot conforming to Ballot for Accepting or Rejecting Plan of Reorganization (Official Form 314), and substantially in the form attached hereto as Exhibit A, shall be mailed to creditors, equity security holders, and other parties in interest, and shall be transmitted to the United States Trustee, as provided in Fed. R. Bankr. P. 3017(d);
- E. The Debtors shall file with the Court a ballot summary report containing the vote tabulation no later than June 27, 2022; and it is further

ORDERED that the Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: May 31, 2022

/s/ **Sean H. Lane**

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re:

MEZZ57TH LLC *et al.*

Debtors and
Debtors in Possession

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Chapter 11

Case No.: 20-11316

(Jointly Administered)

**BALLOT VOTING TO ACCEPT OR REJECT THE CHAPTER 11 PLAN OF
REORGANIZATION OF MEZZ57TH LLC AND JOHN BARRETT INC.**

Class ____ Ballot for Accepting or Rejecting Plan of Reorganization

Mezz57th LLC and John Barrett Inc. (“Debtors”) filed an amended plan of reorganization dated May 13, 2022 [Docket 204] the (“Plan”). The Court has entered the attached _____ Order Fixing Time For Voting To Accept or Reject Plan, Combined With Notice Thereof [Docket ____].

You should review the Plan before you vote. You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. Your claim has been placed in Class ____ under the Plan. If you hold claims or equity interests in more than one class, you will receive a ballot for each class in which you are entitled to vote.

If your ballot is not received by counsel to the Debtors, Mandelbaum Barrett PC, 3 Becker Farm Road, Roseland NJ 07068 Attn: Vincent J. Roldan on or before June 22, 2022, and such deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.

If the Plan is confirmed by the Bankruptcy Court, it will be binding on you whether or not you vote.

Acceptance or Rejection of the Plan

The undersigned, the holder of a Class ____ claim against the Debtor (____ Mezz57th LLC or ____ John Barrett Inc.) in the unpaid amount of Dollars (\$ _____)

Check one box only

☐ **Accepts the plan**

☐ **Rejects the plan**

The undersigned certifies that (i) it is the holder of a claim against the Debtor, and (ii) it has full power and authority to vote to accept or reject the Plan.

Dated: _____

Name of Creditor: _____

Print or type name: _____

Signature: _____

Title (if corporation or partnership) _____

Address: _____

Return this ballot by mail or email to:

Mandelbaum Barrett PC
3 Becker Farm Road
Roseland NJ 07068
Attn: Vincent J. Roldan
vrolan@mblawfirm.com

BALLOTS SENT BY FACSIMILE OR TELECOPIER WILL NOT BE COUNTED UNLESS
THE DEBTOR IN WRITING WAIVES THIS REQUIREMENT AND ACCEPTS
ALTERNATIVE MEANS OF TRANSMISSION OR DELIVERY OF ANY BALLOT.

ANY BALLOT WHICH IS PROPERLY EXECUTED BUT DOES NOT INDICATE AN
ACCEPTANCE OR REJECTION OF THE PLAN SHALL BE COUNTED AS AN
ACCEPTANCE.